

HOUSE BILL 1051

E1, L1

0lr2972

By: **Delegates Benson, Burns, Cane, Costa, Frush, Gaines, Glenn, Holmes, Kach, Nathan-Pulliam, Niemann, Robinson, and Ross**

Introduced and read first time: February 17, 2010

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Crimes – Prohibition on Sale of Drug Paraphernalia to a Minor – Local Law**

3 FOR the purpose of authorizing the governing body of a county or a municipal
4 corporation to adopt an ordinance or local law that prohibits a person from
5 selling drug paraphernalia to a minor; authorizing a county or a municipal
6 corporation to impose certain criminal or civil penalties; defining a certain term;
7 and generally relating to the sale of drug paraphernalia to a minor.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Law
10 Section 5–101(a) and (o)
11 Annotated Code of Maryland
12 (2002 Volume and 2009 Supplement)

13 BY adding to
14 Article – Criminal Law
15 Section 5–619.1
16 Annotated Code of Maryland
17 (2002 Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 5-101.

2 (a) In this title the following words have the meanings indicated.

3 (o) (1) "Drug paraphernalia" means equipment, a product, or material
4 that is used, intended for use, or designed for use, in:

5 (i) planting, propagating, cultivating, growing, harvesting,
6 manufacturing, compounding, converting, producing, processing, preparing, testing,
7 analyzing, packaging, repackaging, storing, containing, or concealing a controlled
8 dangerous substance in violation of this title; or

9 (ii) injecting, ingesting, inhaling, or otherwise introducing into
10 the human body a controlled dangerous substance in violation of this title.

11 (2) "Drug paraphernalia" includes:

12 (i) a kit used, intended for use, or designed for use in planting,
13 propagating, cultivating, growing, or harvesting any species of plant that is a
14 controlled dangerous substance or from which a controlled dangerous substance can be
15 derived;

16 (ii) a kit used, intended for use, or designed for use in
17 manufacturing, compounding, converting, producing, processing, or preparing a
18 controlled dangerous substance;

19 (iii) an isomerization device used, intended for use, or designed
20 for use in increasing the potency of any species of plant that is a controlled dangerous
21 substance;

22 (iv) testing equipment used, intended for use, or designed for use
23 in identifying or in analyzing the strength, effectiveness, or purity of a controlled
24 dangerous substance;

25 (v) a scale or balance used, intended for use, or designed for use
26 in weighing or measuring a controlled dangerous substance;

27 (vi) a diluent or adulterant, such as quinine hydrochloride,
28 mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in
29 cutting a controlled dangerous substance;

30 (vii) a separation gin or sifter used, intended for use, or designed
31 for use in removing twigs and seeds from, or in otherwise cleaning or refining,
32 marijuana;

1 (viii) a blender, bowl, container, spoon, or mixing device used,
2 intended for use, or designed for use in compounding a controlled dangerous
3 substance;

4 (ix) a capsule, balloon, envelope, or other container used,
5 intended for use, or designed for use in packaging small quantities of a controlled
6 dangerous substance;

7 (x) a container or other object used, intended for use, or
8 designed for use in storing or concealing a controlled dangerous substance;

9 (xi) a hypodermic syringe, needle, or other object used, intended
10 for use, or designed for use in parenterally injecting a controlled dangerous substance
11 into the human body; and

12 (xii) an object used, intended for use, or designed for use in
13 ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish
14 oil into the human body such as:

15 1. a metal, wooden, acrylic, glass, stone, plastic, or
16 ceramic pipe with or without screen, permanent screen, hashish head, or punctured
17 metal bowl;

18 2. a water pipe;

19 3. a carburetion tube or device;

20 4. a smoking or carburetion mask;

21 5. an object known as a roach clip used to hold burning
22 material, such as a marijuana cigarette that has become too small or too short to be
23 held in the hand;

24 6. a miniature spoon used for cocaine and cocaine vials;

25 7. a chamber pipe;

26 8. a carburetor pipe;

27 9. an electric pipe;

28 10. an air-driven pipe;

29 11. a chillum;

30 12. a bong; and

1 13. an ice pipe or chiller.

2 **5-619.1.**

3 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
4 GOVERNING BODY OF A COUNTY OR A MUNICIPAL CORPORATION MAY ADOPT AN
5 ORDINANCE OR LOCAL LAW THAT PROHIBITS A PERSON FROM SELLING DRUG
6 PARAPHERNALIA AS DEFINED IN § 5-101 OF THIS TITLE TO ANY PERSON UNDER
7 THE AGE OF 18.

8 (B) THE GOVERNING BODY OF A COUNTY OR A MUNICIPAL
9 CORPORATION THAT ADOPTS AN ORDINANCE OR LOCAL LAW UNDER THIS
10 SECTION MAY IMPOSE CRIMINAL PENALTIES OR CIVIL PENALTIES FOR A
11 VIOLATION OF THE ORDINANCE THAT DO NOT EXCEED:

12 (1) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 180
13 DAYS AND A FINE NOT EXCEEDING \$1,000 OR BOTH; AND

14 (2) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT
15 EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.